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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/671,241 | 09/24/2003 | David Harold Coleman | COLEMAN-DIV | 2320 |
| 7590 05/28/2004 | | | | |
| Risto A. Rinne, Jr. Suite E 2173 East Francisco Blvd. San Rafael, CA 94901 | | | | |
| EXAMINER WUJCIAK, ALFRED J | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3632 | | | | |

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,241

Applicant(s)

COLEMAN, DAVID HAROLD

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the first Office Action for the serial number 10/671,124, TRIPOD STABILIZER AND LIGHTED LENS CAROUSEL, filed on 9/24/03.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,651,944. Although the conflicting claims are not identical, they are not patentably distinct from each other because US Patent # 6,651,994 teaches a tripod stabilizer and lighted lens carousel comprising a stabilizing plate (14), means for attaching (26a, 26b and 26c) the plate to each leg of a tripod and means for supporting at least one lens. The means for supporting including means for attaching the means for supporting to the stabilizing plate. The stabilizing plate is triangular in shape and is formed of substantially rigid material. The means for attaching the stabilizing plate includes a slotted means (28a, 28b, 28c) provided at each apex of the stabilizing plate. The slotted means is

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adapted to secure a first end of a tripod leg bracket (5,6,7) thereto. The tripod leg bracket includes an opposite end that is attached to one of the each leg of a tripod. The means for attaching the means for supporting to the stabilizing plate includes means for adjusting a position of the means for supporting relative to the stabilizing plate. The tripod stabilizer and lighted lens carousel includes means for providing a post (18). The post including a first end and an opposite second end, and wherein the post is attached at a first end thereof to the stabilizing plate and wherein the second end includes an attachment (34) to the means for supporting at least one lens. Means for providing a post includes means for telescoping. The means for supporting at least one lens includes means for providing a carousel (. The carousel adapted to pivot about the longitudinal axis of the post. The carousel is disposed above or disposed of the stabilizing plate. The means for supporting at least one lens includes a light attached proximate to the means for supporting at least one lens and adapted to provide illumination for the means for supporting at least one lens. The light is a battery powered light (54). The light is actuated by depressing a portion thereof in an upward direction.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 1,888,600 to Luder

US Patent # 3,586,852 to Bradley

US Patent # 3,736,058 to Iadorola

US Patent # 3,783,262 to Pile

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US Patent # 3,790,277 to Hogan

US Patent # 3,865,491 to Hogan

US Patent # 4,240,603 to Chiariello

US Patent # 4,955,714 to Stotler et al.

US Patent # D324,584 to Beavers et al.

US Patent # 5,155,667 to Ho

US Patent # 5,319,365 to Hillinger

US Patent # 5,425,526 to Shen

US Patent # 5,428,520 to Skief

US Patent # 5,449,138 to Ciancio

US Patent # 5,729,215 to Juras

US Patent # 6,259,373 to Ghahramani

US Patent # 6,454,228 to Bosnakovic

Luder, Bradley, Iadorola, Pile, Hogan, Chiariello, Stotler et al., Beavers et al., Ho, Hillinger, Shen, Skeif, Ciancio, Juras, Ghahramani and Bosnakovic teach stand for supporting light.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632 *ADW*

5/24/04


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER